

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	CASE NO. 1:16-CR-262
Plaintiff,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
JASON A. BALLARD,)	
)	<u>ORDER</u>
Defendant.)	

On April 25, 2017, the Court found that Defendant was suffering from a mental disease or defect, and imposed a provisional sentence of hospitalization in lieu of imprisonment pursuant to 18 U.S.C. § 4224. The Court further ordered that if Defendant was released prior to the maximum term of 60 months that could be imposed for the offense of conviction, the Court would proceed with sentencing and modify the provisional sentence.

On November 17, 2017, the Court received a Psychological Report dated November 2, 2017, opining that Defendant's mental health symptoms had improved to such an extent that he was no longer in need of custody for care or treatment in the secure confines of the U.S. Medical Center for Federal Prisoners. Counsel notified the Court that they had no objection to the findings set forth in the Psychological Report.

On January 30, 2018, Defendant was sentenced to a 48-month term of imprisonment as to Count 1 of the Indictment for threats against the President and successors to the Presidency, followed by a three-year term of supervised release, with standard and special conditions of supervision imposed. Defendant was further ordered to pay a \$100.00 special assessment as to Count 1 of the Indictment.

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Following Defendant's term of imprisonment, supervised release commenced on March 20, 2020.

On or about April 15, 2020, the United States Probation Office ("USPO") submitted a Violation Report with a warrant request to notify the Court of Defendant's violations of his conditions of supervised release:

1. **New Law Violation** – On 04/02/2020, Mr. Ballard had contact with University Circle Police Department (Cleveland, Ohio). It has been reported he stole a 2018 Lexus ES350 from Metro Lexus on 03/26/2020. He has been charged with Receiving Stolen Property, Theft, Fleeing and Eluding and Obstructing Justice. This case will go through Cleveland Municipal Court.
2. **New Law Violation** – On 04/10/2020, the Bedford Police Department filed a warrant for Mr. Ballard for Breaking and Entering and Grand Theft of a Motor Vehicle. This case will go through Bedford Municipal Court.
3. **New Law Violation** – On 04/10/2020, the Brookpark Police Department filed a warrant for Mr. Ballard for Grand Theft of a Motor Vehicle. This case will go through Berea Municipal Court.

On April 15, 2020, the Court ordered the issuance of a warrant for Defendant's arrest. Defendant was arrested on April 22, 2020.

On April 22, 2020, the USPO issued a Supplemental Information Report containing an additional violation that describes an incident that occurred on April 17, 2020, wherein Cleveland Police arrested Defendant for receiving stolen property (a white 2020 Jeep Grand Cherokee) and was transported to the county jail (Violation Number 4).

On April 24, 2020, Magistrate Judge George J. Limbert conducted an initial appearance, at which time Defendant admitted to Violation Number 1 and the Government moved to withdraw Violation Numbers 2, 3 and 4. Magistrate Judge Limbert issued his Report and

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Recommendation on April 24, 2020, finding that Defendant had violated the terms of his supervised release and recommending that this Court adopt the finding.

A Final Hearing on Revocation of Supervised Release and Sentencing was conducted on August 11, 2020. The Court adopted the Report and Recommendation of Magistrate Judge Limbert, as amended on the record, and found that Defendant violated the terms of his supervised release as to Violation Number 1. The Government withdrew Violation Numbers 2, 3 and 4. The Court proceeded to pronounce sentence after allocution. Defendant's term of supervised release was revoked, and Defendant was sentenced to the custody of the Bureau of Prisons for a term of 18 months, with credit for time already served in federal custody. Upon release, Defendant was ordered to serve an 18-month term of supervised release, with all prior standard and special conditions of supervision previously ordered remaining imposed. Defendant was further ordered not be released to the street, but instead would be immediately placed in a residential reentry center for at least the first six months of his new term of supervised release, unless Defendant could provide details regarding alternative stable housing. The Court recommended that Defendant be transferred to another facility.

Defendant's 18-month term of supervised release commenced on September 15, 2021.

On or about September 17, 2021, the USPO issued a Violation Report to notify the Court of Defendant's violation of the terms and conditions of his supervised release:

1. **Location Unknown** – On Wednesday, September 15, 2021, Mr. Ballard was released from federal custody, to which he was being held at the Cuyahoga County Jail. On this same date, Mr. Ballard was instructed to report to Oriana House (Cleveland, Ohio), to which he failed to report. Subsequently, his location is currently unknown.

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On September 20, 2021, the Court ordered the issuance of a warrant for Defendant's arrest.

On April 5, 2022, the USPO issued a Superseding Violation Report to notify the Court of Defendant's additional violations of the terms and conditions of his supervised release:

1. **New Law Violation** – On October 15, 2021, Mr. Ballard was indicted in Cuyahoga County Court of Common Pleas for Receiving Stolen Property [F4], case# CR-21-664059.
2. **New Law Violation** – On November 8, 2021, Mr. Ballard was indicted in Cuyahoga County Court of Common Pleas for Breaking and Entering [F5], case# CR-21-664817.
3. **New Law Violation** – On November 10, 2021, Mr. Ballard was indicted in Cuyahoga County Court of Common Pleas for two counts of Breaking and Entering [F5] and 2 counts of Grand Theft [F4], case# CR-21-664982.
4. **Location Unknown (Previously Reported to the Court)** – On Wednesday, September 15, 2021, Mr. Ballard was released from federal custody, to which he was being held at the Cuyahoga County Jail. On this same date, Mr. Ballard was instructed to report to Oriana House (Cleveland, Ohio), to which he failed to report.

Defendant was arrested and appeared before Magistrate Judge Carmen E. Henderson for an initial appearance on April 5, 2022, at which time Defendant admitted to Violation Numbers 1 through 4. Magistrate Judge Henderson issued her Report and Recommendation on April 5, 2021, finding that Defendant had violated the terms of his supervised release and recommending that this Court adopt the finding.

On or about June 22, 2022, the USPO issued a Supplemental Information Report to update the Court on the status of the violations.

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A Final Hearing on Revocation of Supervised Release and Sentencing was conducted on June 22, 2022. The Court adopted the Report and Recommendation of Magistrate Judge Henderson, without objection. The Court proceeded to pronounce sentence after allocution.

Sentencing

Among other things, the Court has considered the statutory maximum sentence pursuant to 18 U.S.C. § 3583(e)(3); the advisory policy statements set forth in Chapter Seven of the United States Sentencing Guidelines; and the suggested range of incarceration pursuant to U.S.S.G. § 7B1.4(a). Furthermore, the Court has considered the factors and conditions for sentencing listed in 18 U.S.C. § 3553(a) and 3583(d), respectively.

Based upon the Court's review and for the reasons set forth on the record, Defendant's term of supervised release is revoked, and Defendant is sentenced to the custody of the Bureau of Prisons for a term of 18 months. No term of supervised release shall follow Defendant's release from custody. The Court recommends that Defendant participate in the STAGES Program and Life Connections Program (LCP), and be designated to a gender-appropriate facility.

IT IS SO ORDERED.

June 23, 2022
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge